

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

22
Original

LANCE LAIRD,
PRESTON SANDERS (minor),
CAMERON LAIRD (minor),
BIANCA LAIRD (minor),

Plaintiffs,

v.

LAUREN OLVER,
JENNIFER SCZYKUTOWICZ,
SARAH BRITTEN,
MOLLIE WAGNER,
ANGELA JENKINS,
CHARLES ROSE,
DEBRA FAUST,
AMANDA OSTRANDER,
PATRICIA J. WORTH, (all in
individual capacities).

Defendants.

Case No.

Case: 2:16-cv-14376
Judge: Murphy, Stephen J.
MJ: Stafford, Elizabeth A.
Filed: 12-14-2016 At 04:40 PM
CMP LAIRD, ET AL v OLVER, ET AL (da
t)

COMPLAINT AND DEMAND FOR JURY TRIAL

Comes now Plaintiff(s) Lance Laird, pro se, and his Plaintiff
minor children, Preston Sanders, Cameron Laird, and Bianca Laird
and complain against the above named defendants as follows:

I. INTRODUCTION

This action involve the defendants violating Plaintiffs'
Constitutional rights by unlawfully and unconstitutionally
taking Plaintiffs' minor children from Laird, and the minor
children from their father, Lance Laird, under Michigan's "one
parent doctrine," MCL 712A.2(b). In In re SANDERS, Minors, No.
146680 (2014) the Michigan Supreme Court held that the defendants
actions violated the Plaintiffs' clearly established rights
to due process under the 14th Amendment of the U.S. Constitution,

when they took, or caused to be took, Plaintiff's children from him and vice versa. Id. at 23 This action is brought pursuant to 42 USC §§ 1983, 1985(3).

II. JURISDICTION AND VENUE

1. Plaintiffs bring this action under 42 USC §§ 1983, and 1985(3) which gives this Court jurisdiction under 28 USC §§ 1331, 1343(a) (3) & (4).

2. The Eastern District of Michigan is the proper venue under 28 USC §1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

III. PARTIES

3. Plaintiffs are members of a family who resided together in Jackson, Michigan.

4. Plaintiff Lance Laird is the Plaintiff childrens biological father.

5. Plaintiff Preston Sanders is a minor child. During the events at issue in this litigation, he was 19 months old or so. At the time of this filing he is around 6 years old.

6. Plaintiff Cameron Laird is a minor child.

During the events at issue in this litigation he was roughly two months old. At the time of this filing he is around five years old.

7. Plaintiff Bianca Laird is a minor child. During the events at issue in this litigation she was three months old. At the time of this filing she is roughly four years old.

8. Defendant Lauren Olver (Olver) was, at all time relevant to this action, a caseworker employed by the Michigan Department of Human Services (DHS). Olver is sued in her individual capacity and is located at DHS, 301 Louis Glick Hwy., Jackson

Mi 49201

9. Defendant Jennifer Sczykutowicz (Sczykutowicz) was, at all times relevant to this action, a supervisor employed by DHS.

Sczykutowicz is sued in her individual capacity and is located at DHS, 301 Louis Glick Hwy., Jackson, Mi 49201

10. Defendant Sarah Britten (Britten) was, at all times relevant to this action, a caseworker employed by DHS. Britten is sued in her individual capacity and is located at DHS, 301 Louis Glick Hwy., Jackson, Mi 49201.

11. Defendant Mollie Wagner (Wagner) was, at all times relevant to this action, a caseworker employed by DHS. She is sued in her individual capacity and is located at DHS 301 Louis Glick Hwy., Jackson, Mi 49201.

12. Defendant Angela Jenkins (Jenkins) was, at all time relevant to this action, a foster care supervisor / caseworker employed by DHS. Jenkins is sued in her individual capacity and is located at 301 Louis Glick Hwy., Jackson, Mi 49201.

13. Defendant Charles Rose (Rose) was, at all times relevant to this action, a program manager employed by the DHS. He is sued in his individual capacity and is located at 301 Louis Glick Hwy., Jackson, Mi 49201.

14. Defendant Debra Faust (Faust) was, at all times relevant to this action, a foster care supervisor / caseworker employed by DHS. She is sued in her individual capacity and is located at 301 Louis Glick Hwy., Jackson, Mi 49201.

15. Defendant Amanda Ostrander (Ostrander) was, at all times relevant to this action, a supervisor and employed in that capacity and others, by DHS. She is sued in her individual capacity and is located at 301 Loius Glick Hwy., Jackson, Mi. 49201.

16. Defendant Patricia J. Worth (Werth) was, at all times relevant to this action, Guardian Ad litem representing minor Plaintiffs and acting under the color of state law. She is sued in her individual capacity and is located at 1401 W. Michigan Ave. Jackson, Mi 49202.

17. All named defendants in this action were acting under the color of state law.

18. Defendant DHS caseworkers and supervisors referenced above are hereafter referred to collectively as the "DHS Defendants."

IV. FACTUAL ALLEGATIONS

19. In or around September 2011 defendant(s) were investigating Tammy Sanders, minor Plaintiffs' mother, for child neglect.

20. On or about November 2, 2011, Preston Sanders and Cameron Laird were placed by Child Protective Services (CPS) worker Rashaad Jones, with Plaintiff Lance Lairds' mother, Shirley Behling (Behling), after Preston Sanders and Cameron Laird were removed from Plaintiff Lance Laird's custody without services provided to him under ICWA, 25 U.S.C. §1912; MIFPA, MCL 712B. 15, and MCR 3.967 or any judicial finding of neglect.

21. On or about November 2, 2011, CPS worker Rashaad Jones

(Jones) did a home inspection and background check on Behling and her residence and found no concerns about minor Plaintiffs residing there.

22. On or around November 16, 2011 minors Preston Sanders and Cameron Laird (minor Plaintiffs) were removed from the Behling home against their will and the will of Plaintiff Lance Laird, the minor Plaintiff's biological father. This was done without any substantiated allegations. Defendants Olver, Sczykutowicz and Ostrander were involved in the above action.

23. On November 16, 2011, minor Plaintiffs were placed with Darlene Adams against their will and will of Lance Laird by defendants Olver and Sczykutowicz. Lance Laird had argued against the placement with Darlene Adams, his sister, as he had not seen her in over 20 years.

24. A week before Thanksgiving 2011 Lance Laird (hereinafter "LL") asked Olver for unsupervised parenting time at Behling's home so minor Plaintiffs could be with their family and see their siblings over the Holiday. Defendant Olver denied this request.

25. On November 30, 2011, LL requested a jury trial as to any allegations against him relating to the unlawful and unconstitutional taking of his children.

26. On November 30, 2011, the pretrial was scheduled for Jan. 2012 and trial for Feb. 2012.

27. On November 30, 2011, the court authorized unsupervised parenting time for LL.

28. On or about December 15, 2011, LL asked Defendant Olver and Sczykutowicz for parenting time unsupervised for either Dec. 24th or 25th 2011. Plaintiffs were denied visiting.

29. On December 27, 2011, LL motioned the court for change of placement back to Behlings residence pending trial due to the lack of access to his children and the fact that Darlene Adams (Adams) was unwilling to supervise and facilitate the long distance transport of the children.

30. On December 27, 2011, defendants Olver and Sczykutowicz opposed the change of placement without any substantiated claims against Behling or LL.

31. On December 27, 2011, the presiding judge denied the request for change in placement to the Behling residence based on the false representations by defendants Olver and Sczykutowocz that they would work on getting the children and LL more parenting time together.

32. On January 11, 2012, LL again argued in court for change of placement to the Behling residence because he was still only getting two hours a week visiting time with his children. The court again denied this request because defendants Olver and Sczykutowocz claimed they were still working on providing the Plaintiffs more visiting time.

33. On or about January 24, 2012, LL asked defendant Olver at his visit if his parenting time could be changed to evening hours so he could get a job in Ohio that paid more. LL was denied this request.

34. On February 7, 2012, minor Plaintiff's mother, Tammy Sanders, pled no-contest to the negligence complaint filed against her by defendants and was found unfit by the presiding court.

35. On February 7, 2012, LL again argued in court for change of placement to the Behling residence because he was still only seeing his children two hours a week. This was denied based on Olver and Sczykutowicz's actions.

36. On or about May 2, 2012, the allegations against LL by the defendants was dismissed.

37. On or about May 2, 2012, defendants Olver, Sczykutowicz, and Worth requested the court issue orders against LL and change his parenting time to supervised even though he was never found unfit by any court.

38. From May 2, 2012 to May 10, 2013, Plaintiffs were restricted to two hours a week visiting by defendants Olver and Sczykutowicz.

39. On April 16, 2012, defendants Olver completed a foster care report with many false and biased allegations that was signed by Sczykutowicz.

40. On July 25, 2012, LL's daughter Bianca Laird (Bianca) was born.

41. On or around August 14, 2012, after Bianca was released from the hospital, LL was allowed joint unsupervised custody of Bianca by CPS worker Cheryn Ernst.

42. On August 22, 2012, LL motioned the court for immediate placement of his children plaintiffs citing the constitutional violations that continued to occur against the Plaintiffs by DHS defendants and DHS Policy.

43. On August 22, 2012, defendants Olver, Sczykutowicz, and Worth opposed LL's immediate placement request of minor Plaintiffs back with him even though LL had never been adjudicated unfit or neglectful by any court.

44. On October 26, 2012, LL's request for immediate placement was denied.

45. On or about September 5, 2012, DHS investigator Cheryn Ernst (Ernst) closed her investigation relating to Bianca after concluding she was in a safe environment in LL's custody.

46.

47. On or about September 5, 2012, Olver who was supervised by Sczykutowicz took Bianca from LL's custody with no court adjudication of negligence against LL or other Due Process.

48. On or around September 5, 2012, Olver asked the court to issue an order that LL's unsupervised custody of Bianca be changed to supervised at the DHS building. Supervisor Aczykutwicz was also involved in the matter.

49. On September 5, 2012, Olver's position to the court was that Michigan's "one parent" doctrine permitted the court to take jurisdiction over LL's children and that he did not have a right to any due process because the court had already adjudicated the children through their mother, Tammy Sanders. Supervisor Schzkutowicz was also involved in the cause.

50. On or around September 15, 2012, Olver and Sczykutowicz denied LL and the minor Plaintiff's the opportunity to have a birthday party for Cameron Laird outside DHS so other family could attend.

51. On or around September 12, 2013, the Plaintiffs' case at DHS was transferred to caseworker Sarah Britten (Britten).

52. On April 3, 2013, a request to change the goal to termination of parental rights was made by Mollie Wagner (Wagner) and supervisor Angela Jenkins (Jenkins). This request was denied by the judge.

53. On May 29, 2013, the request to change the goal to termination of parental rights submitted to the court by Wagner and Jenkins was accepted by the court and a termination of LL's parental rights was set for July 23, 2013.

54. On July 23, 2013, at the start of the termination trial minor Plaintiff's Guardian Ad Litem, Patricia Worth (Worth), asked for a dismissal of the action due to the lack of evidence to terminate LL's parental rights.

55. On June 21, 2013, LL gave Behling power of attorney appointing her as his agent with respect to minor Plaintiffs.

56. On January 25, 2013, defendant Sczykutowicz filed a recommendation to the court to terminate the parental rights of LL on behalf of caseworker Wagner. This recommendation was signed by Charles Rose on January 1, 2013.

57. On or around September 27, 2012, LL was informed by Olver that he was no longer to have his daughter Bianca since Olver, after case worker Ernst no longer had control, asked the court to order LL to supervised visits without any allegations of neglect

and against CPS worker Ernst's view that LL was a fit parent.

58. On November 18, 2013, foster parent Adama asked Britten to move Plaintiff minors somewhere else because she was no longer willing or able to care for them.

59. On November 18, 2013, Plaintiff minors were moved to a foster-care home with strangers three hours from where LL and his family were residing without notice to LL or LL being adjudicated unfit by any court and against Behling's wishes.

60. On November 18, 2013, LL again requested to defendants that his children be placed with his mother Behling since she had power of attorney (POA) of the children. This was not honored.

61. On April 15, 2014, Plaintiff children were brought to DHS and placed in respite care and sent to different foster homes.

62. On April 21, 2014, the Plaintiff children were finally placed with Behling as requested by Plaintiff and Behling.

63. On April 21, 2014, DHS defendants argued in court that they had another placement for the children in Hillsdale and argued against Plaintiffs being placed with maternal grandmother Behling. The court ruled against the defendants finding stability was in the Plaintiffs best interest.

64. On April 21, 2014, the defendants filed a termination petition of LL's parental rights as to Plaintiff minors which was never adjudicated by any court.

65. All named defendants in this action were involved in the taking, causing to be taken (from LL), investigation and other personal involvement regarding LL's plaintiff minor children named Plaintiffs Sometime between September 2011 and concluding in June 2014.

66. At no time was LL adjudicated unfit to care for his named minor children herein between September 2011 and June 2014 by any court.

67. LL's minor plaintiff children were taken from his custody care and control by defendant(s) at various times between Sept. 2011 and June 2014.

68. At no time did LL consent to the taking of his children by defendant(s) nor did the children want to be removed from LL's custody and care.

69. LL's plaintiff minor children were taken from his custody and control by the defendants under Michigan's "one-parent doctrine" between September 2011 and June 2014.

70. In *In re Sanders, Minors*, No.146680 (Mi.S.Ct.) the Michigan Supreme Court held Michigan's one-parent doctrine unconstitutional under the Due Process Clause of the Fourteenth Amendment.

71. In *In re Sanders, Minors*, No.146680 the Michigan Supreme Court held Michigan's one-parent doctrine unconstitutional under the Due Process Clause of the Fourteenth Amendment and the right was clearly established at the time of defendant(s) actions.

72. Lance Laird has a fundamental right to direct the care, custody and control of his minor Plaintiff children.

73. At no time between 2010 to present (2016) has lance Laird ever been adjudicated unfit by Michigan DHS or any other Michigan court or had his parental rights taken relating to minor Plaintiffs.

74. At no time did DHS defendants pursue any allegations against Lance Laird, despite his demands for a jury trial relating to the Defendants taking his minor Plaintiff children.

75. An incarcerated parent such as Lance Laird was at times, can exercise the constitutional right to direct the care of his children while incarcerated.

76. At several times between 2011 and late 2014 Lance Laird requested that his minor Plaintiff children be placed with his mother, Shirly Behling, which the defendants refused to do on numerous occasions.

77-100 (reserved)

CAUSES OF ACTION

COUNT 1

FIRST AMENDMENT VIOLATION
FAMILY'S RIGHT TO ASSOCIATION AND UNITY
As to all Defendants

101. Plaintiffs incorporate all paragraphs above as though fully pleaded herein.

102. The Defendants had a duty not to interfere with Plaintiffs' right to exercise their fundamental constitutional right under the First Amendment, whereby the Defendants are prevented from prohibiting a parent's right and a child's liberty interest in in familial integrity..

103. Starting in September 2011 or thereabouts, and continuing until on or around June 2014, Defendants at various times took, or aided and abetted the taking of Plaintiffs Preston Sanders, Cameron Laird, and Bianca Laird from their home and interfered with their rights and Lance Lairds right to familial integrity.

104. The Defendants did not have a sufficiently compelling interest to eject Plaintiffs Preston Sanders, Cameron Laird and Bianca Laird from LL's custody, care, control and home. That further, whatever interest the Defendants may have had, could have been achieved through means significantly less restrictive of associational freedoms. *Roberts v. United States Jaycees*, 468 U.S. 609, 617-19 (1984).

105. That this great infringement on the family unity has caused Plaintiffs substantial suffering and that Defendants, by refusing to allow Plaintiffs to exercise their constitutionally protected freedom, violated the First Amendment of the United States Constitution.

COUNT II
FOURTEENTH AMENDMENT DUE PROCESS VIOLATION

As to all Defendants

106. Plaintiffs incorporate by reference all paragraphs above as though fully plead herein.

107. That under the Constitution, the parent-child relationship gives rise to a liberty interest that a parent may not be deprived of absent due process of law. *Smith v. Williams-Ash*, 520 F.3d 596,599 (6th Cir.2007)

108. That Plaintiff was deprived of his right to custody and control of Plaintiffs Preston Sanders, Cameron Laird and Bianca Laird when they were removed from Lance Lairds home, care and custody. The change in physical custody of minor Plaintiffs constituted a loss of Plaintiff parents control over his Children, and therefore, they were entitled to due process of law.

109. That Defendants, had a duty to Plaintiff to provide sufficient due process before removing Plaintiffs Preston Sanders, Cameron Laird, and Bianca Laird from their fathers custody and care, Defendants failed to provide a clear and effective procedure in ensuring that Plaintiff Lance Laird's parental interest in his child was not unduly obstructed, including but not limited to, a judicial proceeding adjudicating Lance Laird

unfit in his parenting duties like the proceeding afforded the childrens Mother, Tammy Sanders.

110. That Plaintiffs' assert that the Defendants improper conduct further violated their substantive due process right to familial integrity.

111. That the taking of Plaintiffs' Cameron Laird, Preston Sanders and Bianca Laird from their father, Lance Laird, with no legal adjudication of unfitness / neglect was a deprivation of Due Process under the Fourteenth Amendment of the United States Constitution.

COUNT III
FOURTEENTH AMENDMENT EQUAL PROTECTION VIOLATION
AS TO ALL DEFENDANTS

112. Plaintiff incorporates by reference all paragraphs above as though fully pled herein.

113. Plaintiff Cameron Laird, Preston Sanders and Bianca Laird are part Native American.

114. The above described actions and allegations of the Defendants were unreasonable, and were committed intentionally, maliciously, willfully and with deliberate indifference to Plaintiff's constitutional rights as declared above.

115. The above described actions and allegations by the Defendants were motivated by racial animus because Plaintiffs' Cameron Laird, Preston Sanders and Bianca Laird are part Native American.

116. The acts and allegations of Defendants were carried out

under the color of state law and operated to deprive Plaintiffs of their constitutional right of equal protection under the law. 117. The acts and allegations of the defendants were direct and proximate causes of Plaintiffs economic and non-economic damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court award the following relief:

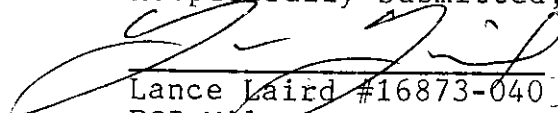
1. Enter an order declaring the Defendants violated Plaintiff's constitutional rights as alleged above;
2. Enter an award of monetary damages in the amount of ten (10) million for compensatory damages, and additional amounts for punitive and nominal damages together with costs and attorney fees as provided by law.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all counts pursuant to Fed.R.Civ.P. 38

December 1, 2016

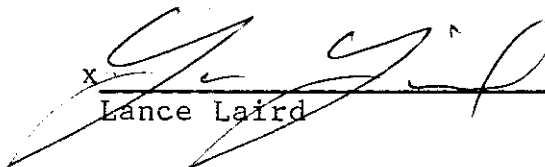
Respectfully Submitted,


Lance Laird #16873-040
FCI-Milan
P.O. Box 1000
Milan, Mi 48160

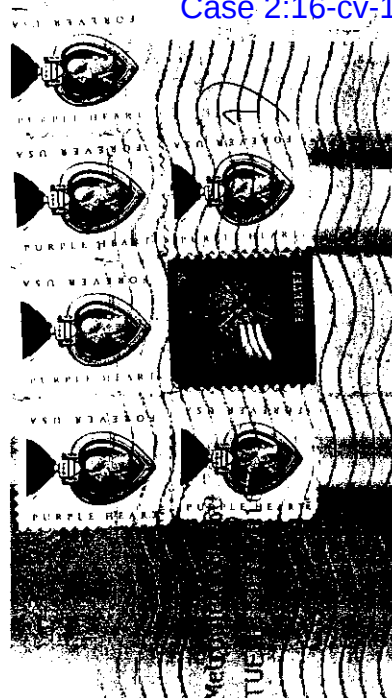
VERIFICATION

I Lance Laird, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on December 1, 2016

x 
Lance Laird

LAUNCE LALIU #1000/J-0440
Federal Correctional Institution
P.O. Box 1000
Milan, MI 48160



Metropolitan
TUESDAY

Clerk:

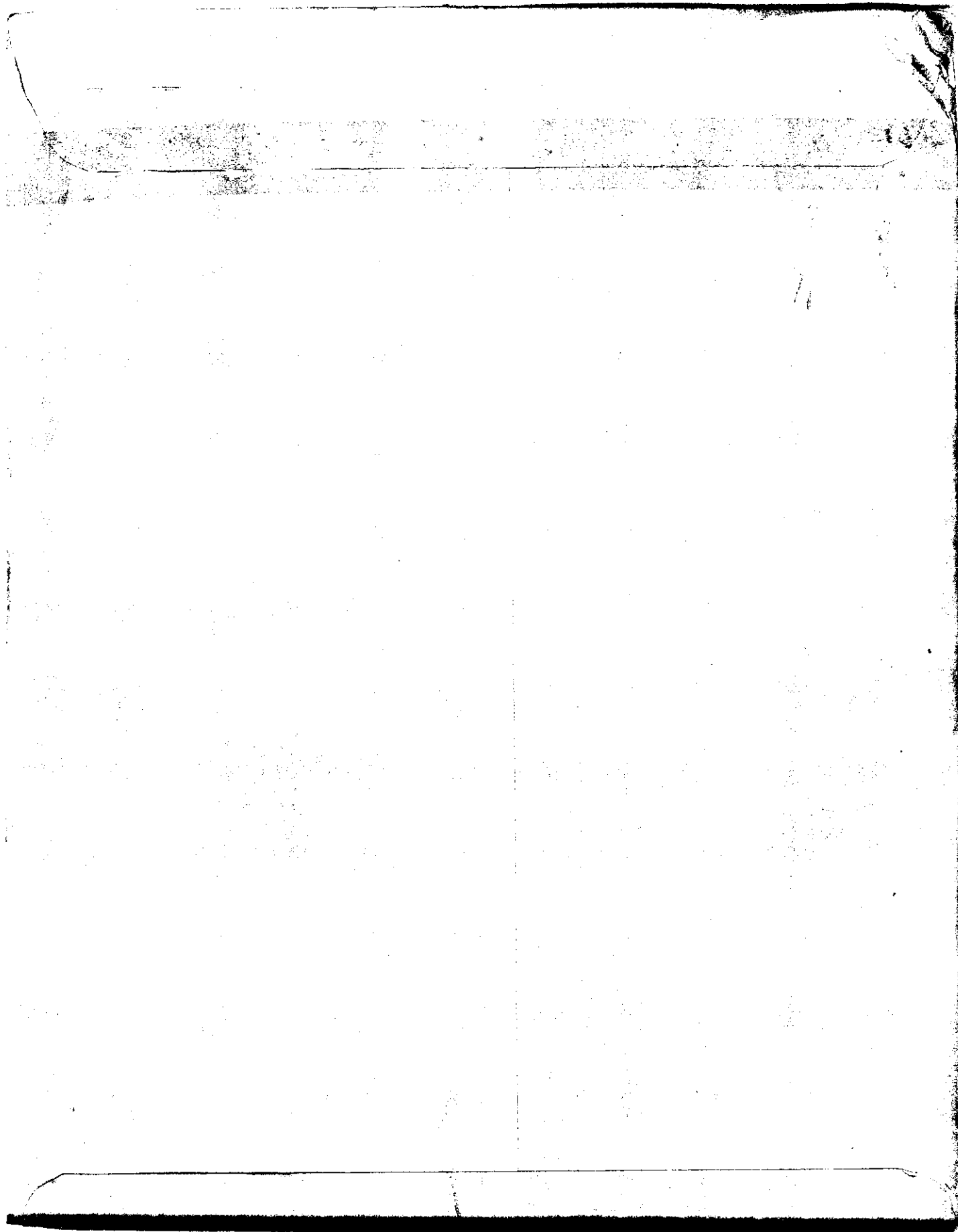
16842-039

U S Dist Court
231 W Lafayette BLVD
Clerk, Fifth Floor
Detroit, MI

62246

*Intake
New case*

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JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS
LANCE LAIRD, et al.

DEFENDANTS
LAUREN OLVER, et al.

(b) County of Residence of First Listed Plaintiff Washtenaw
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of Defendant Jackson

(c) Attorney's (Firm Name, Address, and Telephone Number)

pro-se

Case 2:16-cv-14376
Judge: Murphy, Stephen J.
MJ: Stafford, Elizabeth A.
Filed: 12-14-2016 At 04:40 PM
CMP LAIRD, ET AL v OLVER, ET AL (da
t)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|---|--|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input checked="" type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj. | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HLA (13 95ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW.C/DIW.W (405 (g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. §1983, 14th Amend. due process action regarding the taking of children by DHS employees.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
10 million

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. This case ☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case _____, previously dismissed by Judge _____

DATE December 1, 2016 SIGNATURE OF ATTORNEY OF RECORD

December 1, 2016

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

| | | |
|--------------------------|--|--|
| <input type="checkbox"/> | Two (2) completed Civil Cover Sheets. | Case: 2:16-cv-14376 Judge: Murphy, Stephen J. MJ: Stafford, Elizabeth A. Filed: 12-14-2016 At 04:40 PM CMP LAIRD, ET AL v OLVER, ET AL (da t) |
| <input type="checkbox"/> | Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="text-align: center; margin-right: 10px;"> <u>9</u> <small># of Defendants</small> </div> <div style="margin: 0 10px;">+ 2 =</div> <div style="text-align: center; margin-right: 10px;"> <u>11</u> <small>Total</small> </div> <div style="margin-left: 10px;"> Complaints. <small>only 2 comp</small> </div> </div> <div style="margin-top: 10px;"> Received by Clerk: <u>DS</u> Addresses are complete: <input checked="" type="checkbox"/> </div> | |
| <input type="checkbox"/> | If any of your defendants are government agencies : Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General. | |

| | |
|---|--|
| If Paying The Filing Fee: | If Asking That The Filing Fee Be Waived: |
| <input type="checkbox"/> Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: <div style="text-align: center; margin-top: 10px;">Clerk, U.S. District Court</div> Received by Clerk: _____ Receipt #: _____ | <input checked="" type="checkbox"/> Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms. Received by Clerk: <u>DS</u> |

Select the Method of Service you will employ to notify your defendants:

| Service via Summons by Self | Service by U.S. Marshal (Only available if fee is waived) | Service via Waiver of Summons (U.S. Government cannot be a defendant) |
|---|---|---|
| <input type="checkbox"/> Two (2) completed summonses for each defendant including each defendant's name and address. <div style="font-style: italic; font-size: 1.2em; margin-top: 20px;">Summons for each deft</div> Received by Clerk: _____ | <input type="checkbox"/> Two (2) completed USM - 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. <i>None</i> <input type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form. <i>None</i> Received by Clerk: _____ | <input type="checkbox"/> You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants. |

Clerk's Office Use Only

Note any deficiencies here:

Only 2 copies of complaint, no USM-285, no request for service